



ALTERNATIVE TO PTO/SB/08a/b (06-03)

Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/798,776
				Filing Date	March 10, 2004
				First Named Inventor	Thomas J. FOGARTY
				Art Unit	3736
				Examiner Name	S. Gilbert
				Attorney Docket Number	399242000401
Sheet	1	of	2		

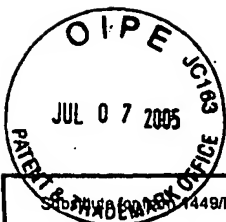
U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
/JL/	1.	US-2002/0147444-A1	10-10-2002	Shah et al.	
	2.	US-2003/0109862-A1	06-12-2003	Prakash et al.	
	3.	US-2003/0195499-A1	10-16-2003	Prakash et al.	
	4.	US-2004/0267156-A1	12-30-2004	Turovskiy et al.	
	5.	US-2005/0062666-A1	03-24-2005	Prakash et al.	
	6.	US-2005/0085881-A1	04-21-2005	Prakash et al.	
	7.	US-4,621,642	11-11-1986	Chen	
	8.	US-4,700,716	10-20-1987	Kasevich et al.	
	9.	US-5,405,346-A	04-11-1995	Grundy et al.	
	10.	US-5,556,377-A	09-17-1996	Rosen et al.	
	11.	US-5,599,294-A	02-04-1997	Edwards et al.	
	12.	US-5,720,718-A	02-24-1998	Rosen et al.	
	13.	US-5,871,523-A	02-16-1999	Fleischman et al.	
	14.	US-5,904,691-A	05-18-1999	Barnett et al.	
	15.	US-6,056,744-A	05-02-2000	Edwards	
	16.	US-6,176,856-B1	01-23-2001	Jandak et al.	
	17.	US-6,330,479-B1	12-11-2001	Stauffer	
	18.	US-6,405,733-B1	06-18-2002	Fogarty et al.	
	19.	US-6,496,738-B2	12-17-2002	Carr	
	20.	US-6,530,922-B2	03-11-2003	Cosman et al.	
	21.	US-6,564,806-B1	05-20-2003	Fogarty et al.	
	22.	US-6,685,700-B2	02-03-2004	Behl et al.	
	23.	US-6,699,241-B2	03-02-2004	Rappaport et al.	
	24.	US-6,722,371-B1	04-20-2004	Fogarty et al.	
	25.	US-6,752,154-B2	06-22-2004	Fogarty et al.	
	26.	US-6,752,767-B2	06-22-2004	Turovskiy et al.	
/JL/	27.	US-6,878,147-B2	04-12-2005	Prakash et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁴
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
/JL/	28.	WO-01/60235-A3	08-23-2001	Fogarty		
/JL/	29.	WO-03/039385-A2, A3	05-15-2003	Vivant Medical, Inc.		
/JL/	30.	WO-03/088806-A2, A3	10-30-2003	Vivant Medical, Inc.		
/JL/	31.	WO-03/088858-A1	10-30-2003	Vivant Medical, Inc.		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/John Lacyk/	Date Considered	06/10/2007
-----------------------	--------------	--------------------	------------

pa-990076



ALTERNATIVE TO PTO/SB/08a/b (06-03)

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application Number	10/798,776
				Filing Date	March 10, 2004
				First Named Inventor	Thomas J. FOGARTY
				Art Unit	3736
				Examiner Name	S. Gilbert
Sheet	2	of	2	Attorney Docket Number	399242000401

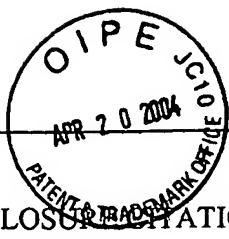
NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
/JL/	32.	Chou, C.K. (1995). "Radiofrequency Hyperthermia in Cancer Therapy," Chapter 94 <i>In Biologic Effects of Nonionizing Electromagnetic Fields</i> . CRC Press, Inc. pp.1424-1428.		
/JL/	33.	Urologix, Inc.-Medical Professionals: Targis™ Technology (Date Unknown). "Overcoming the Challenge" located at: < http://www.urologix.com/medical/technology.html > last visited on April 27, 2001. Three pages.		

*EXAMINER: Initial if information considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature	/John Lacyk/	Date Considered	06/10/2007
--------------------	--------------	-----------------	------------

pa- 990076



Form PTO-1449

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Docket Number 399242000401

Application Number 10/798,776

Applicant

Thomas J. FOGARTY et al.

Filing Date March 10, 2004

Group Art Unit Not Yet Assigned

Mailing Date April 15, 2004

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
/JL/	1.	11/26/1935	2,022,065	Wappler			
	2.	07/14/1936	2,047,535	Wappler			
	3.	07/11/1967	3,330,278	Santomieri			
	4.	11/07/1967	3,351,463	Rozner et al.			
	5.	06/23/1970	3,516,412	Ackerman			
	6.	02/06/1973	3,714,851	Orser			
	7.	08/21/1973	3,753,700	Harrison et al.			
	8.	06/24/1975	3,890,977	Wilson			
	9.	03/8/77	4,010,756	DuMont et al.			
	10.	08/01/1978	4,103,690	Harris			
	11.	06/23/1981	4,274,408	Nimrod			
	12.	7/27/82	4,341,226	Peters			
	13.	9/6/83	4,402,328	Doring			
	14.	06/03/1986	4,592,356	Gutierrez			
	15.	06/17/1986	4,595,007	Mericle			
	16.	10/14/1986	4,616,656	Nicholson et al.			
	17.	01/6/87	4,633,880	Osypka et al.			
	18.	05/19/1987	4,665,906	Jervis			
	19.	07/28/1987	4,682,606	DeCaprio			
	20.	01/24/1989	4,799,495	Hawkins et al.			
	21.	09/26/1989	4,869,259	Elkins			
	22.	05/15/1990	4,925,445	Sakamoto et al.			
	23.	10/30/1990	4,966,583	Debbas			
	24.	04/30/1991	5,011,473	Gatturna			
/JL/	25.	05/28/1991	5,018,530	Rank et al.			

EXAMINER: /John Lacyk/

DATE CONSIDERED: 06/10/2007

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 399242000401	Application Number 10/798,776
	Applicant Thomas J. FOGARTY et al.	
	Filing Date March 10, 2004	Group Art Unit Not Yet Assigned
	Mailing Date April 15, 2004	

/JL/	26.	10/22/1991	5,059,197	Urie et al.					
	27.	11/26/1991	5,067,957	Jervis					
	28.	06/16/1992	5,122,136	Guglielmi et al.					
	29.	10/27/1992	5,158,084	Ghiatas					
	30.	02/02/1993	5,183,463	Debbas					
	31.	03/02/1993	5,190,546	Jervis					
	32.	03/30/1993	5,197,482	Rank et al.					
	33.	04/27/1993	5,205,829	Lituchy					
	34.	6/8/93	5,217,027	Hermens					
	35.	06/22/1993	5,221,269	Miller et al.					
	36.	2/1/94	5,282,845	Bush et al.					
	37.	04/05/1994	5,300,068	Rosar et al.					
	38.	04/12/1994	5,301,682	Debbas					
	39.	09/27/94	5,350,419	Bendel et al.					
	40.	10/11/1994	5,353,804	Kornberg et al.					
	41.	04/25/1995	5,409,004	Sloan					
	42.	10/31/1995	5,462,062	Rubinstein et al.					
	43.	12/05/1995	5,472,441	Edwards et al.					
	44.	1/23/96	5,486,183	Middleman et al.					
	45.	02/06/1996	5,488,958	Topel et al.					
	46.	04/16/1996	5,507,743	Edwards et al.					
	47.	07/16/1996	5,536,267	Edwards et al.					
	48.	07/30/1996	5,540,683	Ichikawa et al.					
	49.	9/17/96	5,556,410	Mittermeir et al.					
	50.	09/24/1996	5,558,673	Edwards et al.					
	51.	09/30/1997	5,672,173	Gough et al.					
	52.	09/30/1997	5,672,174	Gough et al.					
	53.	11/04/1997	5,683,384	Gough et al.					
/JL/	54.	11/11/1997	5,685,853	Bonnet					

EXAMINER: /John Lacyk/	DATE CONSIDERED: 06/10/2007
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	
sf-1682228 PTO/SB/08 (2-92) Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE	

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 399242000401	Application Number 10/798,776
	Applicant Thomas J. FOGARTY et al.	
	Filing Date March 10, 2004	Group Art Unit Not Yet Assigned
	Mailing Date April 15, 2004	

/JL/	55.	01/20/1998	5,709,697	Ratcliff et al.					
	56.	04/07/1998	5,735,847	Gough et al.					
	57.	04/21/1998	5,741,225	Lax et al.					
	58.	05/12/1998	5,749,887	Heske et al.					
	59.	08/18/1998	5,794,626	Kieturakis					
	60.	08/18/1998	5,795,308	Russin					
	61.	09/01/1998	5,800,484	Gough et al.					
	62.	09/15/98	5,807,339	Bostrom et al.					
	63.	09/22/1998	5,810,804	Gough et al.					
	64.	12/29/1998	5,853,366	Dowlatsahi					
	65.	01/05/1999	5,855,576	LeVeen et al.					
	66.	01/26/1999	5,863,290	Gough et al.					
	67.	3/9/99	5,879,357	Heaton et al.					
	68.	03/16/1999	5,882,316	Chu et al.					
	69.	05/11/1999	5,902,310	Foerster et al.					
	70.	5/18/99	5,904,690	Middleman et al.					
	71.	08/24/1999	5,941,890	Voegel et al.					
	72.	09/21/1999	5,954,655	Hussman					
	73.	11/23/1999	5,989,265	Bouquet De La Joliniere et al.					
	74.	12/28/1999	6,007,495	Matula					
	75.	02/01/2000	6,019,757	Scheldrup					
	76.	02/08/2000	6,022,362	Lee et al.					
	77.	03/21/2000	6,039,735	Greep					
	78.	04/18/2000	6,050,954	Mittermeier					
	79.	04/18/2000	6,051,008	Saadat et al.					
	80.	04/25/2000	6,053,876	Fisher					
	81.	04/25/2000	6,053,925	Barnhart					
	82.	06/27/2000	6,080,113	Heneveld et al.					
/JL/	83.	06/27/2000	6,080,114	Russin					

EXAMINER: /John Lacyk/	DATE CONSIDERED: 06/10/2007
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 399242000401	Application Number 10/798,776
	Applicant Thomas J. FOGARTY et al.	
	Filing Date March 10, 2004	Group Art Unit Not Yet Assigned
	Mailing Date April 15, 2004	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO	
/JL/	84.	03/18/1998	EP 0 829 232	Europe				
	85.	09/22/1988	WO 88/06864	PCT				
	86.	09/12/1996	WO 96/27328	PCT			Abstract	
	87.	02/04/1999	WO 99/04704	PCT				
	88.	05/27/1999	WO 99/25248	PCT				
	89.	09/02/1999	WO 99/43268	PCT				
	90.	09/10/1999	WO 99/44506	PCT				
	91.	11/18/1999	WO 99/58065	PCT				
	92.	12/29/1999	WO 99/66834	PCT				
	93.	03/02/2000	WO 00/10471	PCT				
	94.	03/09/2000	WO 00/12009	PCT				
	95.	03/09/2000	WO 00/12010	PCT				
	96.	03/16/2000	WO 00/13602	PCT				
	97.	03/30/2000	WO 00/16697	PCT				
	98.	05/04/2000	WO 00/24320	PCT				
	99.	06/02/2000	WO 00/30531	PCT				
	100.	06/15/2000	WO 00/33743	PCT				
	101.	8/6/92	WO 92/12678	PCT				
	102.	5/25/00	WO 00/28913	PCT				
	103.	1/25/01	WO 01/05317	PCT				
	104.	1/25/01	WO 01/05320	PCT				
	105.	5/9/90	0 385 604	EPO				
/JL/	106.	7/11/90	0 395 997	EPO				

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

EXAMINER: /John Lacyk/	DATE CONSIDERED: 06/10/2007
EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.	

Form PTO-1449 INFORMATION DISCLOSURE CITATION IN AN APPLICATION <i>(Use several sheets if necessary)</i>	Docket Number 399242000401	Application Number 10/798,776
	Applicant Thomas J. FOGARTY et al.	
	Filing Date March 10, 2004	Group Art Unit Not Yet Assigned
	Mailing Date April 15, 2004	

Examiner Initials	Ref. No.	Title
	107.	Anonymous. <u>Atiadne's Thread™ Repositionable Breast Localisation Needle</u>, (Product Information), one page (date not known).
/JL/	108.	Anonymous. (1999). <u>Auto Suture MIBB Site Marker: Single Use Clip Applier</u> , <i>United States Surgical</i> (Product instructions), 2 pages.
/JL/	109.	Anonymous. (1988). <u>Biopsy Needles and Trays</u> , <i>Cook Diagnostic and Interventional Products</i> , page 3 (Products price list).
/JL/	110.	Anonymous. (1999). <u>MIBB Site Marker</u> , <i>United States Surgical</i> (Sales brochure), 4 pages.
/JL/	111.	Anonymous. (1987). <u>Homer Mammalok® Breast Lesion Needle/Wire Localizer</u> , <i>Namic® Angiographic Systems Division</i> , Glens Falls, New York, (Hospital products price list), 4 pages.
	112.	Anonymous. <u>Blunt Tubes with Finished Ends: Pointed Cannula</u>, <i>Popper & Sons Biomedical-Instrument Division</i>, (Products Price List), one page (date not known).
	113.	Anonymous. <u>Ground Cannulae</u>, <i>ISPC</i>, New Milford, CT, (Advertisement) one page (date not known).
/JL/	114.	Gennari, R. et al. (June 2000). "Use of Technetium-99m-Labeled Colloid Albumin for Preoperative and Intraoperative Localization of Nonpalpable Breast Lesions," <i>J. Am. Coll. Surg.</i> 190(6):692-699.
/JL/	115.	Kopans, D.B. et al. (November 1985). "Spring Hookwire Breast Lesion Localizer: Use with Rigid-Compression. Mammographic Systems," <i>Radiology</i> 157(2):537-538.
/JL/	116.	Mullan, B.F. et al. (May 1999). "Lung Nodules: Improved Wire for CT-Guided Localization," <i>Radiology</i> 211:561-565.
/JL/	117.	Urrutia et al. (1988). "Retractable-Barb Needle for Breast Lesion Localization: Use in 60 Cases," <i>Radiology</i> 169(3):845-847.
/JL/	118.	MDTECH product literature, "FlexStrand", product description, 12/1999, 1 pg.
/JL/	119.	MDTECH product literature, "D Wire", product description, 3/2000, 2 pgs.

EXAMINER: /John Lacyk/	DATE CONSIDERED: 06/10/2007
------------------------	-----------------------------

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.